

Appl. No. : 09/666,207
Filed : September 21, 2000

REMARKS

In response to the Office Action mailed February 7, 2003, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following remarks.

Objection to Drawings

Applicant acknowledges the Examiner's objection to the drawings. Enclosed is an amended Figure 1. The drawing adds the label "Prior Art" in red ink in accordance with Examiner's suggestion. Applicant respectfully requests that the Examiner withdraw the objection.

Claim Rejections Under 35 USC § 112

Applicant acknowledges Examiner's rejection to Claims 1-3 and 5-7 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. In response, Applicant has clarified Claim 1. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

Applicant further acknowledges Examiner's rejection of Claim 11. In response, Applicant has amended Claims 10 and 11 to set forth the structure that facilitates the injection of the substance. Applicant respectfully asserts that the meaning of "injecting" is defined in the specification.

Claim Rejections Under 35 USC § 102

Applicant acknowledges the Examiner's rejection of Claims 1-3 and 5-11 under 35 U.S.C. § 102 (b) as anticipated by US 4,822,839 to Tran. Applicant traverses the Examiner's rejection because each of the limitations in Applicant's claims are not disclosed by the Tran reference. In order to expedite prosecution, however, Applicant has amended Claims 1 and 8 to clarify that a portion of the electrode is in communication with an outer surface of the container. Such a construction is not shown or described by Tran. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Appl. No. : 09/666,207
Filed : September 21, 2000

CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5.7.2003

By: 

Robert J. Roby
Registration No. 44,304
Attorney of Record
Customer No. 20,995
(949) 760-0404

H:\DOCS\EKM\EKM-1261.DOC
050503